

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

March 8, 2005

LB 105, 360

verdict only on the basis of admissible, probative evidence. So this committee has really been doing some good work in ferreting out problems that exist. But in order to get to the bottom of all of them, or as close to the bottom as possible, information from these jury qualification forms will also be needed. If you have any questions, I will answer them, or maybe not. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on advancement of LB 105. Open for discussion. Senator Chambers, there are no lights on. He waives closing. The question before the body is, shall LB 105 advance to E & R Initial? All in favor vote aye; opposed, nay. The question before the body is advancement of LB 105. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB 105.

SENATOR CUDABACK: LB 105 advances. Mr. Clerk, LB 360.

CLERK: LB 360, by Senator Bourne. (Read title.) Introduced on January 11, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Bourne, to open on LB 360.

SENATOR BOURNE: Thank you, Mr. President, members. LB 360 amends the current burglary statute, and removes the element of "breaking" from that offense. The statute is also narrowed to define burglary as those acts where a person, not privileged to do so, enters or remains unlawfully in a building or occupied structure, rather than any real estate, as currently prescribed. Nebraska presently defines the crime of burglary as the act of willfully, maliciously, and forcibly breaking and entering into any real estate or any improvement erected thereon with the intent to commit any felony, or with the intent to steal property of any value. For decades, the Nebraska courts have struggled to fully define "breaking." After much consideration, the court-settled definition of "breaking" is any act of